

July 07, 2022

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASUNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISIONBY: Breanna Coldevey
DEPUTY**RUSSELL ZINTER, et al.,***Plaintiffs,***v.****JOSEPH SALVAGGIO, et al.,***Defendants.*Case No. 5:18-cv-680-RCL
~~*FILED UNDER SEAL~~*unsealed 7/13/22
ref***ORDER**

For the reasons set forth in the memorandum opinion issued this date, the Court **GRANTS** IN PART and **DENIES IN PART** the defendant officers' motion [149] for summary judgment:

- Mark Brown: Count 2 (First Amendment Retaliation) and Count 3 (Excessive Force as to Officers Farias, Yarbrough, and Vasquez) shall proceed to trial. Count 1 (False Arrest), Count 3 (Excessive Force as to Remaining Officers), and Count 4 (Seizure of Property) are **DISMISSED**.
- James Springer: Count 6 (Unlawful Seizure on June 18, 2018), Count 7 (First Amendment Retaliation), Count 8 (Excessive Force), Count 9 (Seizure of Property), Count 11 (Unlawful Seizure on June 23, 2018), Count 11 (Seizure of Property), and Count 12 (First Amendment Retaliation) are **DISMISSED**.
- Russell Zinter: Count 6 (Unlawful Seizure on June 18, 2018), Count 7 (First Amendment Retaliation), and Count 9 (Seizure of Property) are **DISMISSED**.
- David Bailey: Count 6 (False Arrest on June 18, 2018) and Count 7 (First Amendment Retaliation) shall proceed to trial. Count 9 (Seizure of Property) is **DISMISSED**.
- Juan Gonzales: Count 6 (Unlawful Seizure on June 18, 2018) and Count 7 (First Amendment Retaliation) shall proceed to trial. Count 8 (Excessive Force), Count 9 (Seizure of Property), Count 11 (Unlawful Seizure on June 23, 2018), Count 11 (Seizure of Property), and Count 12 (First Amendment Retaliation) are **DISMISSED**.

- James Mead: Count 6 (Unlawful Seizure on June 18, 2018) and Count 7 (First Amendment Retaliation) shall proceed to trial. Count 8 (Excessive Force), Count 9 (Seizure of Property), Count 11 (Unlawful Seizure on June 23, 2018), Count 11 (Seizure of Property), and Count 12 (First Amendment Retaliation) are **DISMISSED**.
- Joseph Pierce: Count 9 (Seizure of Property), Count 11 (Unlawful Seizure on June 23, 2018), Count 11 (Seizure of Property), Count 12 (First Amendment Retaliation), and Count 13 (Excessive Force) are **DISMISSED**.
- Brian Howd: Count 11 (Unlawful Seizure on June 23, 2018), Count 11 (Seizure of Property), and Count 12 (First Amendment Retaliation) are **DISMISSED**.
- Selena Herrera: Count 11 (Unlawful Seizure on June 23, 2018), Count 11 (Seizure of Property), and Count 12 (First Amendment Retaliation) are **DISMISSED**.
- Jack Miller: Count 11 (Unlawful Seizure on June 23, 2018), Count 11 (Seizure of Property), and Count 12 (First Amendment Retaliation) are **DISMISSED**.
- Theresa Richard: Count 11 (Unlawful Seizure on June 23, 2018), Count 11 (Seizure of Property), and Count 12 (First Amendment Retaliation) are **DISMISSED**.
- Gregory Gardiner: Count 11 (Unlawful Seizure on June 23, 2018), Count 11 (Seizure of Property), and Count 12 (First Amendment Retaliation) are **DISMISSED**.
- Kevin Egan: Count 11 (Unlawful Seizure on June 23, 2018), Count 11 (Seizure of Property), Count 12 (First Amendment Retaliation), and Count 13 (Excessive Force and Refusal to Treat) are **DISMISSED**.
- Jonathan Green: Count 11 (False Arrest on June 23, 2018), Count 12 (First Amendment Retaliation), and Count 13 (Excessive Force as to Officer Vasquez) shall proceed to trial. Count 11 (Seizure of Property) and Count 13 (Excessive Force as to Remaining Officers) are **DISMISSED**.
- Jason Green: Count 11 (Unlawful Seizure on June 23, 2018) and Count 12 (First Amendment Retaliation) shall proceed to trial. Count 11 (Seizure of Property) and Count 13 (Excessive Force) are **DISMISSED**.

It is further **ORDERED** that the City of Leon Valley's motion [152] for summary judgment as to municipal liability is **GRANTED**. Plaintiffs' claims against the City of Leon Valley are **DISMISSED**.

It is further **ORDERED** that plaintiffs' motions [153] [168] [171] for leave to exceed page limitations are **GRANTED**. Plaintiffs' cross-motion [153] for partial summary judgment is **DENIED** in full.

The defendant officers are further **ORDERED** to show cause as to why the Court, on its own accord, should not grant summary judgment in plaintiffs' favor on the following claims:

- David Bailey: Count 6 (False Arrest on June 18, 2018).
- Juan Gonzales: Count 6 (Unlawful Seizure on June 18, 2018).
- James Mead: Count 6 (Unlawful Seizure on June 18, 2018).
- Jonathan Green: Count 11 (False Arrest on June 23, 2018).

The defendant officers are **ORDERED** to file any briefing with respect to this show-cause order within 14 days of this date. *See* Fed. R. Civ. P. 56(f).

Because the parties submitted evidence under seal, the Court has filed its memorandum opinion temporarily under seal. Both parties are **ORDERED** to identify proposed redactions to the memorandum opinion and this order, if any, within 7 days of this date. The Court will file a redacted version of the memorandum opinion on the public docket thereafter.

It is **SO ORDERED**.

Date: July 1, 2022



Royce C. Lamberth
United States District Judge